

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

STEVEN D. INLOW, #200066

§

VS.

§

CIVIL ACTION NO. 6:20cv220

SHERIFF, CHEROKEE COUNTY

§

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Steven D. Inlow, a pre-trial detainee at the Cherokee County Jail proceeding *pro se* and *in forma pauperis*, filed this petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging a “denial of due process.” The cause of action was referred to United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On May 5, 2020, Judge Mitchell issued a Report (Docket No. 6) recommending that Petitioner’s federal habeas petition be dismissed, without prejudice, for Petitioner’s failure to exhaust his required state remedies before filing his federal petition. A copy of this Report was sent to Petitioner at his address, with an acknowledgment card. The docket reflects that Petitioner received a copy of the Report on May 13, 2020, (Docket No. 9). However, to date, no objections to the Report have been filed.

Because objections to Judge Mitchell’s Report have not been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is


ORDERED that the Report of the United States Magistrate Judge, (Docket No. 6), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Petitioner's federal habeas petition is **DISMISSED**, without prejudice, for the failure to exhaust state remedies. Moreover, it is

ORDERED that Petitioner is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this cause of action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **15th** day of **June, 2020**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE